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15 UNITED STATES DISTRICT COURT
16
17 CENTRAL DISTRICT OF CALIFORNIA

18 DOE 1, an individual; DOE 2, an
19 individual; DOE 3, an individual; DOE
20 4, an individual; Doe 5, an individual;
21 and DOE 6, an individual,

22 Plaintiffs,

23 v.

24 SUPERIOR COURT OF
25 CALIFORNIA, COUNTY OF
26 ORANGE, a California public entity,

27 Defendant.

CASE NO.: 8:18-cv-01499

**DECLARATION OF BRIAN D.
WALTERS IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
INTERVENORS' MOTION TO
DISMISS**

Date: November 28, 2018
Time: 7:30 a.m.
Dept: 9D

Complaint Filed: August 23, 2018

DECLARATION OF BRIAN D. WALTERS

I, Brian D. Walters, declare as follows:

1. I am counsel of record to Plaintiffs Does 1-6. I make this declaration in support of Plaintiffs' Opposition to Intervenor's Motion to Dismiss. I have first-hand knowledge of all the matters referenced herein.

2. On September 7, 2018, I met and conferred with Sarah Overton, counsel for Defendant Orange County Superior Court, pursuant to Local Rule 7-3. During the meet and confer, Plaintiffs agreed to dismiss Count II of the Complaint, seeking protection of Plaintiffs' privacy rights under California law. Plaintiffs also agreed to dismiss any claims for monetary damages.

3. On September 12, 2018, I further met and conferred with Ms. Overton to let her know that Plaintiffs intended to seek redress first in the State Litigation, *John Roe I, et al. v. Defendant Doe I, et al.*, Case No. 30-2014-00741722-CU-PO-CJC, filed in the Superior Court for the State of California, County of Orange. During the meet and confer, the parties mutually agreed to continue the dates to respond to the Complaint to allow Plaintiffs to pursue state court relief without forcing Defendant to respond first in federal court.

4. On September 24, 2018, I met and conferred with counsel for Intervenor, Devin M. Storey of the Zalkin Law Firm. During the meet and confer, I stated no opposition to Intervenor's intervention in this action. I also explained to Mr. Storey that Plaintiffs had already agreed with Ms. Overton to limit this action to federal claims and non-monetary relief and to continue the dates for responding to the Complaint.

5. On October 10, 2018, Mr. Storey reached out to me and my colleague, Robert D. Crockett, regarding scheduling oral depositions of Plaintiffs, who are Nonparty Does 1-6 in the State Litigation and who have filed a motion for a protective order in the State Litigation seeking the same modifications of the May 17 Order as sought in this action. On October 12, 2018, we informed Mr. Storey that Does 1-6 could not agree to oral depositions but would answer interrogatories, referring to written deposition

1 questions pursuant to California Code of Civil Procedure section 2028.010. Mr. Storey
2 rejected our offer. In this federal action, Does 1-6 remain willing to answer written
3 deposition questions.

4 6. On October 31, 2018, I further met and conferred with Mr. Storey. During
5 the meet and confer, I asked Mr. Storey to stay or continue the dates related to
6 Intervenor's motion to dismiss Plaintiffs' federal Complaint pending the outcome of
7 Does 1-6's motion for protective order in the State Litigation. Mr. Storey would not agree
8 to either the stay or continuance.

9 I declare under penalty of perjury, under the laws of the State of California, that
10 the foregoing is true and correct. I executed this declaration on November 7, 2018, at Los
11 Angeles County, California.

12 /s/ Brian D. Walters

13 Brian D. Walters

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